

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2019 covering the prior calendar year 2018

1. Date filed: February 21, 2019

2. Name of companies covered by this certification:

Manhattan Telecommunications Corp. d/b/a Metropolitan Telecommunications;  
a/k/a MetTel, and its affiliates:

Business Productivity Solutions, Inc.

Manhattan Telecommunications Corporation of New Jersey

Metropolitan Telecommunications of Iowa, Inc.

Metropolitan Telecommunications of Kansas, Inc.

Metropolitan Telecommunications of Mississippi, Inc.

Metropolitan Telecommunications of Missouri, Inc.

Metropolitan Telecommunications of New Mexico, Inc.

Metropolitan Telecommunications of Oklahoma, Inc.

Metropolitan Telecommunications of Oregon, Inc.

Metropolitan Telecommunications of Wyoming, Inc.

Metropolitan Telecommunications Corp. of Pennsylvania

Metropolitan Telecommunications Holding Company

Metropolitan Telecommunications of Alabama, Inc.

Metropolitan Telecommunications of Arizona, Inc.

Metropolitan Telecommunications of Arkansas, Inc.

Metropolitan Telecommunications of CT, Inc.

Metropolitan Telecommunications of California, Inc.

Metropolitan Telecommunications of Colorado, Inc.

Metropolitan Telecommunications of DC, Inc.

Metropolitan Telecommunications of DE, Inc.

Metropolitan Telecommunications of Florida, Inc.

Metropolitan Telecommunications of Georgia, Inc.

Metropolitan Telecommunications of Hawaii, Inc.

Metropolitan Telecommunications of Illinois, Inc.

Metropolitan Telecommunications of Indiana, Inc.

Metropolitan Telecommunications of Kentucky, Inc.

Metropolitan Telecommunications of Louisiana, Inc.

Metropolitan Telecommunications of Maine, Inc.

Metropolitan Telecommunications of Maryland, Inc.

Metropolitan Telecommunications of Mass., Inc.

Metropolitan Telecommunications of Michigan, Inc.

Metropolitan Telecommunications of Minnesota, Inc.

Metropolitan Telecommunications of Montana, Inc.

Metropolitan Telecommunications of Nebraska, Inc.

Metropolitan Telecommunications of Nevada, Inc.

Metropolitan Telecommunications of New Hampshire, Inc.

Metropolitan Telecommunications of North Carolina, Inc.  
Metropolitan Telecommunications of North Dakota, Inc.  
Metropolitan Telecommunications of Ohio, Inc.  
Metropolitan Telecommunications of Puerto Rico, Inc.  
Metropolitan Telecommunications of Rhode Island, Inc.  
Metropolitan Telecommunications of South Carolina, Inc.  
Metropolitan Telecommunications of South Dakota, Inc.  
Metropolitan Telecommunications of Texas, Inc.  
Metropolitan Telecommunications of Vermont, Inc.  
Metropolitan Telecommunications of Washington, Inc.  
Metropolitan Telecommunications of West Virginia, Inc.  
Metropolitan Telecommunications of Wisconsin, Inc.  
Metropolitan Telecommunications of Idaho, Inc.  
Metropolitan Telecommunications of Tennessee, Inc.  
Metropolitan Telecommunications of Utah, Inc.  
MetTel of VA, Inc.  
Telecommunications of IL, Inc.

3. Form 499 Filer ID: 820932
4. Name of signatory: Andoni Economou
5. Title of signatory: Chief Operating Officer & Executive Vice President.
6. Certification:

I, Andoni Economou , certify that I am Chief Operating Officer & Executive Vice President and thereby an officer of Manhattan Telecommunications Corp. d/b/a Metropolitan Telecommunications a/k/a MetTel, and that I am also Chief Operating Officer & Executive Vice President and thereby an officer of each of its affiliates listed above. Acting as an agent of each of these companies (collectively, "Company"), I certify that I have personal knowledge that the Company has established operating procedures, summarized in the attached statement, that are adequate to ensure compliance with the customer proprietary network information ("CPNI") rules as set forth in Part 64, Subpart U of the Commission's rules, 47 C.F.R. §§ 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the Company's procedures ensure that the Company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The Company has not received any customer complaints in the past calendar year concerning unauthorized release of CPNI. Company has not taken any actions in the past year against data brokers, including proceedings instituted or petitions filed by the company at either state commissions, the court system or at the Commission.

I hereby represent and warrant that the above certification is consistent with Section 1.17 of the Commission's rules, 47 C.F.R. § 1.17, which requires truthful and accurate statements to the Commission, and acknowledge that false statements and misrepresentations to the

Commission are punishable under Title 18 of the U.S. Code and may subject the Company to enforcement actions.



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Andoni Economou  
Chief Operating Officer  
& Executive Vice President  
Manhattan Telecommunications Corp.  
Executed February 19, 2019

# **CPNI Compliance Policies of Manhattan Telecommunications Corporation d/b/a Metropolitan Telecommunications a/k/a MetTel**

The following summary describes the policies of Manhattan Telecommunications Corporation d/b/a Metropolitan Telecommunications a/k/a MetTel and its subsidiaries listed at the end of this document (collectively, “MetTel”). These policies are designed to protect the confidentiality of its customers’ CPNI and to assure compliance with the rules of the Federal Communications Commission (“FCC”) set forth in 47 C.F.R. Part 64, Subpart U, Section 2001 *et seq.*

CPNI is “(A) information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier.”

MetTel’s policy, administered by its CPNI Compliance Director, establishes the following policies regarding the use and disclosure of CPNI:

## **I. USE, DISCLOSURE OF, AND ACCESS TO CPNI**

MetTel will use, disclose, or permit access to individually identifiable CPNI only in its provision of the communications service from which such information is derived; for services necessary to, or used in, the provision of such communications service, including the publishing of directories; to initiate, render, bill and collect for communications services; to protect the rights or property of MetTel, or to protect users or other carriers or service providers from fraudulent, abusive or unlawful use of, or subscription to, such services; to provide inside wiring installation, maintenance, or repair services; as required by law (such as pursuant to a valid request from law enforcement or a court order or other appropriate authority); or as expressly authorized by the customer.

MetTel does not use CPNI to market service offerings among the different categories of service, or even within the same category of service, that it provides to subscribers. Although current MetTel policy is not to use CPNI in outbound marketing, in the event that any employee or agent wishes to use CPNI in such marketing or to seek customer approval for such use, such proposed use is subject to a supervisory review process that shall involve a supervisor designated by the senior employee responsible for marketing or the CPNI Compliance Director. If such use is approved, MetTel shall modify these policies and conduct additional training as needed to assure compliance with the FCC’s rules.

MetTel may also use, disclose, or permit access to CPNI to provide inbound marketing, referral or administrative services to the customer for the duration of the call, if the call was initiated by the customer and the customer approves of MetTel’s use to provide such service. In requesting such approval, the MetTel representative must explain that the customer has a right, and that MetTel has a duty, under federal law, to protect the confidentiality of CPNI; specify the types of CPNI that would be used for the call and the purposes for which it would be used; inform the customer of his or her right to decline such use and that such denial will not affect the provision

of any services to which the customer subscribes; and will not attempt to encourage a customer to freeze third-party access to CPNI.

MetTel does not use, disclose or permit access to CPNI to identify or track customers that call competing service providers.

When MetTel receives or obtains proprietary information from another carrier for purposes of providing a telecommunications service, it shall use such information only for such purpose, and shall not use such information for its own marketing efforts.

## **II. SAFEGUARDS AGAINST DISCLOSURE OF CPNI TO UNAUTHORIZED PARTIES**

Above and beyond the specific FCC requirements, MetTel will take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. If any employee becomes aware of new methods that are being used or could be used by third parties to attempt to obtain unauthorized access to CPNI, or of possible changes to MetTel's existing policies that would strengthen protection of CPNI, they should report such information immediately to MetTel's CPNI Compliance Director so that MetTel may evaluate whether existing policies should be supplemented or changed.

### **A. Inbound Calls to MetTel Requesting CPNI**

CSRs may not disclose any CPNI to an inbound caller until the caller's identity has been reasonably authenticated. More stringent protections apply to Call Detail Information (CDI), which includes any information that pertains to the transmission of specific telephone calls, including, for outbound calls, the number called, and the time, location, or duration of any call and, for inbound calls, the number from which the call was placed, and the time, location, or duration of any call. A CSR will not reveal CDI to an inbound caller except under the following conditions:

- If a customer is able to provide to the CSR the telephone number called, when it was called, and, if applicable, the amount charged for the call, exactly as that information appears on the bill, then the CSR is permitted to discuss customer service pertaining to that call and that call only.
- The CSR may offer to call the caller back at the customer's telephone number of record. The CSR may not rely on Caller ID information to assume that the caller is calling from such number; they must disconnect the inbound call and make a new outbound call to that number.
- The CSR may encourage the caller to obtain the requested information from the customer's online account.
- The CSR may offer to send a copy of a bill or requested CDI to a mailing address of record for the account, but only if such address has been on file with MetTel for at least 30 days, or in facsimile form to a telephone number of record for the account.

**B. In-Person Disclosure of CPNI at MetTel Offices**

MetTel may disclose a customer's CPNI to an authorized person visiting a MetTel office upon verifying through a valid, non-expired government-issued photo ID (such as a driver's license, passport, or comparable ID) that the person is authorized to receive such information.

**C. Online Accounts**

To access an on-line account from which a customer can access their CPNI, a customer must enter their login ID and password established without the use of any account or biographical information in accordance with FCC rules. Initial and replacement passwords will be sent only to Customer's address of record.

**D. Notice of Account Changes**

When an online account is created or when an online password is created or changed, MetTel will send a notice to customer's address of record notifying them of the change. When an address of record is created or changed, MetTel will send a notice to customer's preexisting address of record notifying them of the change. These notifications are not required when the customer initiates service, including the selection of a password at service initiation. Each of the notices provided under this paragraph will not reveal the changed information and will direct the customer to notify MetTel immediately if they did not authorize the change.

**E. Business Customer Exemption**

The authentication requirements for disclosure of CPNI do not apply to disclosure of business customer information by a dedicated account representative who knows through personal experience that the person requesting the information is authorized representative of the customer and that the contract between MetTel and that business customer specifically addresses the protection of CPNI.

**III. REPORTING CPNI BREACHES TO LAW ENFORCEMENT**

Any MetTel employee that becomes aware of any breaches, suspected breaches or attempted breaches must report such information immediately to MetTel's CPNI Compliance Director, and such information must not be reported or disclosed by any employee to any non-employee, including the potentially affected customer, except in express conformance with the procedures described below. Any employee that fails to report such information will be subject to disciplinary action that may include termination.

It is MetTel's policy that employees should not be discouraged from reporting information about breaches that may have been caused in part by their own actions or omissions. Once a breach has occurred, the most important objective is to attempt to limit the damage to our customers, make any adjustments as needed to prevent a recurrence of the breach, and to alert law enforcement promptly. Therefore, although employees who violate MetTel's CPNI compliance procedures are subject to discipline, the sanctions may be substantially reduced where employees promptly self-report violations if appropriate.

#### **A. Identifying a “Breach”**

A “breach” has occurred when a person, without authorization or exceeding authorization, has intentionally gained access to, used, or disclosed CPNI. If an employee has information about an incident and is not certain that the incident would not constitute a breach under this definition, the incident must be reported to the CPNI Compliance Director.

If a MetTel employee determines that an unauthorized person is attempting to gain access to CPNI but does not succeed at doing so, no breach has occurred. However, the incident must be reported to MetTel’s CPNI Compliance Director, who will determine whether to report the incident to law enforcement and/or take other appropriate action. MetTel’s Compliance Director will determine whether it is appropriate to update MetTel’s CPNI policies or training materials in light of any new information; the FCC’s rules require MetTel on an ongoing basis to “take reasonable measures to discover and protect against activity that is indicative of pretexting.”

#### **B. Notification Procedures**

As soon as practicable, and in no event later than 7 business days upon learning of a breach, MetTel’s CPNI Compliance Director shall electronically notify the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) by accessing the following link: <https://www.cpnireporting.gov>. Company’s FRN number and password may be required to submit a report. If this link is not responsive, they should contact counsel or the FCC’s Enforcement Bureau (202-418-7450 or <http://www.fcc.gov/eb/cpni>) for instructions.

MetTel will not notify customers or disclose a breach to the public until 7 full business days have passed after notification to the USSS and the FBI except as provided below (a full business day does not count a business day on which the notice was provided). Federal law requires compliance with this requirement even if state law requires disclosure.

If MetTel receives no response from law enforcement after the 7<sup>th</sup> full business day, it must promptly proceed to inform the customers whose CPNI was disclosed of the breach.

MetTel will delay notification to customers or the public upon request of the FBI or USSS.

If MetTel believes there is a need to disclose a breach sooner, the CPNI Compliance Director should so indicate in the notification to law enforcement. However, such notification does not itself permit notice to customers; MetTel still may not notify customers sooner unless given clearance to do so from *both* the USSS and the FBI.

#### **IV. RECORD RETENTION**

The CPNI Compliance Director is responsible for assuring that MetTel maintains for at least two years a record, electronically or in some other manner, of any breaches discovered, notifications made to the USSS and the FBI pursuant to these procedures, and notifications of breaches made to customers. The record must include, if available, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach.

MetTel maintains a record, for a period of at least one year, of: those limited circumstances in which CPNI is disclosed or where third parties were allowed access to CPNI (i.e., pursuant to a valid request from law enforcement, court order or other appropriate authority); of supervisory review of marketing that proposes to use CPNI or to request customer approval to use or disclose CPNI; its sales and marketing campaigns that use its customers' CPNI, including a description of each campaign, the specific CPNI that was used in the campaign, and the products and services offered as a part of the campaign; and records associated with customers' approval or non-approval to use CPNI, and of notification to customers prior to any solicitation for customer approval of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

MetTel maintains a record of all customer complaints related to its handling of CPNI, and records of MetTel's handling of such complaints, for at least two years. The CPNI Compliance Director will assure that all complaints are reviewed and that MetTel considers any necessary changes to its policies or practices to address the concerns raised by such complaints.

MetTel will have an authorized corporate officer, as an agent of the company, sign a compliance certificate on an annual basis stating that the officer has personal knowledge that MetTel has established operating procedures that are adequate to ensure its compliance with FCC's CPNI rules. The certificate for each year will be filed with the FCC by March 1 of the subsequent year, and will be accompanied by a summary or copy of this policy that explains how MetTel's operating procedures ensure that it is in compliance with the FCC's CPNI rules. In addition, the filing must include an explanation of any actions taken against data brokers and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI. Confidential portions of these submissions shall be redacted from the public version of the filing and provided only to the FCC.

## **V. TRAINING**

MetTel requires CPNI training for all CSRs, personnel at retail offices that may receive requests for CPNI, and marketing personnel. In addition, all employees with access to CPNI receive a copy of MetTel's CPNI policies. MetTel's training materials and policy documents provided to employees make clear that violations of its CPNI policies will result in disciplinary action, including the termination of employment where appropriate, and also that employees may be subject to criminal penalties if they knowingly facilitate the unauthorized disclosure of a customer's confidential information.

### **METTEL COMPANIES COVERED BY THIS POLICY:**

**This policy applies to all of the telecommunications carrier affiliates of Manhattan Telecommunications Corp. d/b/a/ Metropolitan Telecommunications a/k/a MetTel, including:**

Business Productivity Solutions, Inc.  
Manhattan Telecommunications Corporation of New Jersey  
MetTel of VA. Inc.  
Metropolitan Communications of Iowa, Inc.



Metropolitan Communications of Kansas, Inc.  
Metropolitan Communications of Mississippi, Inc.  
Metropolitan Communications of Missouri, Inc.  
Metropolitan Communications of New Mexico, Inc.  
Metropolitan Communications of Oklahoma, Inc.  
Metropolitan Communications of Oregon, Inc.  
Metropolitan Communications of Wyoming, Inc.  
Metropolitan Telecommunications Corp. of Pennsylvania  
Metropolitan Telecommunications Holding Company  
Metropolitan Telecommunications of Alabama, Inc.  
Metropolitan Telecommunications of Alaska, Inc.  
Metropolitan Telecommunications of Arizona, Inc.  
Metropolitan Telecommunications of Arkansas, Inc.  
Metropolitan Telecommunications of CT, Inc.  
Metropolitan Telecommunications of California, Inc.  
Metropolitan Telecommunications of Colorado, Inc.  
Metropolitan Telecommunications of DC, Inc.  
Metropolitan Telecommunications of DE, Inc.  
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Metropolitan Telecommunications of Kentucky, Inc.  
Metropolitan Telecommunications of Louisiana, Inc.  
Metropolitan Telecommunications of Maine, Inc.  
Metropolitan Telecommunications of Maryland, Inc.  
Metropolitan Telecommunications of Mass., Inc.  
Metropolitan Telecommunications of Michigan, Inc.  
Metropolitan Telecommunications of Minnesota, Inc.  
Metropolitan Telecommunications of Montana  
Metropolitan Telecommunications of Nebraska, Inc.  
Metropolitan Telecommunications of Nevada, Inc.  
Metropolitan Telecommunications of New Hampshire, Inc.  
Metropolitan Telecommunications of North Carolina, Inc.  
Metropolitan Telecommunications of Ohio, Inc.  
Metropolitan Telecommunications of Rhode Island, Inc.  
Metropolitan Telecommunications of South Carolina, Inc.  
Metropolitan Telecommunications of Texas, Inc.  
Metropolitan Telecommunications of Vermont, Inc.  
Metropolitan Telecommunications of Washington, Inc.  
Metropolitan Telecommunications of West Virginia, Inc.  
Metropolitan Telecommunications of Wisconsin, Inc.  
Metropolitan Telecommunications of Idaho, Inc.  
Metropolitan Telecommunications of Tennessee, Inc.  
Metropolitan Telecommunications of Utah, Inc.